

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stelzer et al.
Serial No. : Filed concurrently (Divisional of 09/247,707)
Filed : February 9, 1999
For : MINIMALLY INVASIVE SURGERY DEVICE
Unit : 3739


745 Fifth Avenue
New York, New York 10151

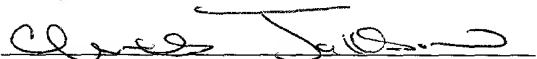
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PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Before the issuance of the first Office Action, please amend the above-identified application without surrender of subject matter, and without any intention of creating any

estoppel as to equivalents. A marked version of the amended portions of the application is set forth in the accompanying Appendix:

IN THE CLAIMS:

Kindly cancel claims 1-13 without prejudice, and add claim 23 as follows:

--23. A method for administering a biologically active substance to a desired location within a mammal, said method comprising inserting a flexible shaft including a channel therein into said mammal, controlling the location of the distal end of the shaft through control cables within the shaft, and projecting the biologically active substance from the end of the channel at the desired location.--

IN THE SPECIFICATION:

Kindly amend the specification, without prejudice, without admission, without surrender of subject matter, and without any intention of creating estoppel as to equivalents, as follows:

Page 1, line 5 after "This application," please insert "is a divisional of U.S. application Serial No. 09/247,707 filed February 9, 1999, which". Thus, please amend the specification, at page 1, first paragraph (under "RELATED APPLICATIONS") to read:

--This application is a divisional of U.S. application Serial No. 09/247,707 filed February 9, 1999, which is a continuation-in-part of allowed US application Serial No. 08/916,147 filed August 21, 1997, which is incorporated herein by reference. All public documents referred to herein are likewise incorporated by reference.--

REMARKS

Claims 1-13 were originally presented in the parent of this divisional application. The present preliminary amendment cancels claims 1-13 and submits for continued prosecution claim 23 withdrawn from prosecution in the parent. The claims pertain to nonelected Group IV, insofar as

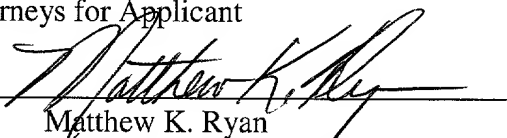
they are drawn to a method of administering a biologically active substance, classified in class 604, subclass 19. The features defined by this claim are fully disclosed in the specification and drawings as originally filed. No new matter is presented.

This preliminary amendment makes reference to the parent application and cancels those claims that are not being prosecuted in this divisional application. Enclosed is a check in the amount of \$355.00 for the payment of the basic filing fee by a small entity. Please charge any additional fees or credit any overpayment for this application to Deposit Acct. No. 50-0320.

Respectfully submitted,

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APPENDIX 1: MARKED-UP VERSION OF AMENDMENTS

IN THE SPECIFICATION:

Specification, at Page 1, first paragraph (under "RELATED APPLICATIONS"):

--This application is a divisional of U.S. application Serial No. 09/247,707 filed February 9, 1999, which is a continuation-in-part of allowed US application Serial No. 08/916,147 filed August 21, 1997, which is incorporated herein by reference. All public documents referred to herein are likewise incorporated by reference.--

IN THE CLAIMS:

Kindly cancel claims 1-13 without prejudice and add claim 23 as follows:

--23. A method for administering a biologically active substance to a desired location within a mammal, said method comprising inserting a flexible shaft including a channel therein into said mammal, controlling the location of the distal end of the shaft through control cables within the shaft, and projecting the biologically active substance from the end of the channel at the desired location.--